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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,836	11/19/2003	L. William Zahner III	34375	7070

7590 08/25/2006  
Hovey Williams LLP  
Suite 400  
2405 Grand Blvd.  
Kansas City, MO 64108

EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
3637	

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	Application No.	Applicant(s)	
	10/716,836	ZAHNER, L. WILLIAM	
	Examiner	Art Unit	
	Phi D. A	3637	

All participants (applicant, applicant's representative, PTO personnel):

(1) Phi D. A. (3) \_\_\_\_\_

(2) Sam M. Korte. (4) \_\_\_\_\_

Date of Interview: 22 August 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: \_\_\_\_\_

Identification of prior art discussed: \_\_\_\_\_

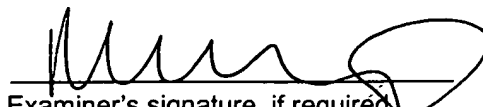
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: attorney discusses the language in the proposed amendment and explains how they overcome the reference. attorney will file a response to try to overcome the rejection; examiner will consider the claims when filed.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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**TELEFACSIMILE TRANSMISSION**

DATE:	8/18/2006	TOTAL PAGES:	13
TO:	Examiner Phi A	FAX NO.:	1-571-273-6864
FROM:	Sam Korte	OPERATOR:	

**ATTN: EXAMINER PHI A** (Art Unit 3637)

RE: Proposed Amendment for 10/716,836

**MESSAGE**

Examiner,

Please find attached a proposed amendment for discussion during our Tuesday, August 22, 2006, 2 p.m. telephone interview. If you have any questions before our interview, please let me know.

Thanks,

Sam Korte (#56,557)  
HOVEY WILLIAMS LLP

The documents accompanying this transmission contain information from the law firm of Hovey Williams LLP. The information is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, any reading, disclosure, copying, distribution or the taking of any action in reliance on the contents of this facsimile information is strictly prohibited. The documents should be returned to this firm immediately. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

ZAHNER III, L. William

Serial No.: 10/716,836

Filed: 11/19/2003

PANEL ATTACHMENT SYSTEM

Docket No.: 34375

Confirmation No. : 7070

Group Art Unit No.: 3637

Customer No.: 23589

Examiner: A, Phi Dieu Tran

**PROPOSED AMENDMENT**

The following is a proposed amendment in response to the non-final Office action dated July 6, 2006. This amendment is non-binding and is submitted for discussion purposes only in anticipation of Applicant's August 22, 2006, telephone interview with Examiner A.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 9 of this paper.

- PROPOSED DRAFT / NON-BINDING AMENDMENT -

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A panel attachment system comprising:  
a plurality of covering panels each presenting a flange and a lip, wherein the flange includes  
at least one locking member protruding perpendicularly therefrom and the lip is  
operable for mating engagement with a corresponding lip of an adjacent panel by at  
least partially overlapping the corresponding lip such that at least a portion of the lip  
rests on top of at least a portion of the corresponding lip; and  
at least one retaining member having a slot for receiving the flanges and interlocking with  
the locking member in order to secure the flanges to the retaining member.
2. (Original) The panel attachment system of claim 1, wherein the retaining member  
includes a drainage channel positioned below the slot.
3. (Original) The panel attachment system of claim 1, further comprising a mounting  
structure for securing the retaining member to a surface.
4. (Original) The panel attachment system of claim 3, wherein the retaining member is  
secured to the mounting structure by sliding the retaining member into the mounting structure.

- PROPOSED DRAFT / NON-BINDING AMENDMENT -

5. (Currently Amended) A panel attachment system comprising:  
a plurality of covering panels each presenting a flange and a lip, wherein the flange includes at least one locking member protruding therefrom and the lip is operable for mating engagement with a corresponding lip of an adjacent panel by at least partially overlapping the corresponding lip such that at least a portion of the lip rests on top of at least a portion of the corresponding lip; and  
at least one retaining member having a slot for receiving the flanges and interlocking with the locking member in order to secure the flanges to the retaining member, wherein the slot substantially extends along the retaining member's entire length.
6. (Original) The panel attachment system of claim 5, further comprising a mounting structure for securing the retaining member to a surface.
7. (Original) The panel attachment system of claim 6, wherein the retaining member is secured to the mounting structure by sliding the retaining member into the mounting structure.
8. (Original) The panel attachment system of claim 7, further comprising a plurality of retaining members, wherein each retaining member is secured to a corresponding mounting structure.
9. (Canceled)
10. (Original) The panel attachment system of claim 5, wherein the retaining member includes a drainage channel positioned below the slot.
11. (Original) The panel attachment system of claim 5, wherein the drainage channel is configured to collect surface drainage matter passing through the slot and to channel the matter away from a surface.

- PROPOSED DRAFT / NON-BINDING AMENDMENT -

12. (Original) The panel attachment system of claim 5, wherein the slot is formed between walls rising from a base of the retaining member.



- PROPOSED DRAFT / NON-BINDING AMENDMENT -

13. (Currently Amended) A panel attachment system comprising:  
a plurality of covering panels each presenting a pair of opposed longitudinal flanges, wherein each flange includes a plurality of discrete locking members protruding perpendicularly therefrom, at least two of the locking members positioned so as to not contact each other;  
a retaining member having a slot and a drainage channel positioned below the slot, wherein the slot substantially extends along the retaining member's entire length and is configured for receiving the flanges and interlocking with the locking members in order to secure the flanges to the retaining member; and  
a mounting structure for securing the retaining member to a surface.
14. (Original) The panel attachment system of claim 13, wherein the locking members protrude from an interior side of the longitudinal flanges.
15. (Original) The panel attachment system of claim 13, wherein the locking members are integral with the longitudinal flanges.
16. (Original) The panel attachment system of claim 13, wherein the locking members are sloped to assist in interlocking with the retaining member.
17. (Original) The panel attachment system of claim 13, wherein the slot is formed between a pair of walls extending from the retaining member.
18. (Original) The panel attachment system of claim 13, wherein the retaining member is secured to the mounting structure by interlocking the retaining member and mounting structure.
19. (Original) The panel attachment system of claim 18, wherein the retaining member and mounting structure are interlocked by sliding the retaining member into the mounting structure.

- PROPOSED DRAFT / NON-BINDING AMENDMENT -

20. (Original) The panel attachment system of claim 13, wherein the drainage channel is configured to collect surface drainage matter passing through the slot and to channel the matter away from the surface.

21. (Original) The panel attachment system of claim 13, wherein the covering panels include a lip for mating engagement with a corresponding lip of an adjacent panel.

## - PROPOSED DRAFT / NON-BINDING AMENDMENT -

22. (Currently Amended) A panel attachment system comprising:
- a plurality of covering panels each presenting a pair of opposed, longitudinal flanges and a pair of lips, wherein each flange includes a plurality of discrete locking members protruding from an interior side thereof, each locking member is sloped, and each lip is configured for mating engagement with a corresponding lip of an adjacent panel by at least partially overlapping the corresponding lip such that at least a portion of the lip rests on top of at least a portion of the corresponding lip;
  - a plurality of retaining members each having-
    - a pair of opposed side walls,
    - a top wall connected to the each side wall,
    - an angled interior wall connected to each top wall, wherein the angled interior walls extend towards each other to form a slot therebetween which substantially extends along the retaining member's entire length and is configured for receiving the flanges and interlocking with the locking members in order to secure the flanges to the retaining member,
    - a pair of opposed raised lips formed on a base of the retaining member for securing and aligning the retaining member,
    - wherein the walls form a drainage channel positioned below the slot configured for receiving any drainage matter passing through the slot; and
  - a plurality of mounting structures each having-
    - a pair of opposed grooves configured to receive the lips such that the retaining member may be secured to the mounting structure by sliding the raised lips into the grooves, and
    - at least one mounting aperture to allow the mounting structure to be secured to a surface.

- PROPOSED DRAFT / NON-BINDING AMENDMENT -

23. (Original) The panel attachment system of claim 22, wherein the mounting structures and retaining members are configured to form a composite drainage channel through the retaining members such that drainage matter is channeled through the plurality of retaining members and away from the surface.

24. (Currently Amended) The panel attachment system of claim 1, wherein the retaining member includes a top wall operable to support at least a portion of one of covering panels.

- PROPOSED DRAFT / NON-BINDING AMENDMENT -

**Remarks:**

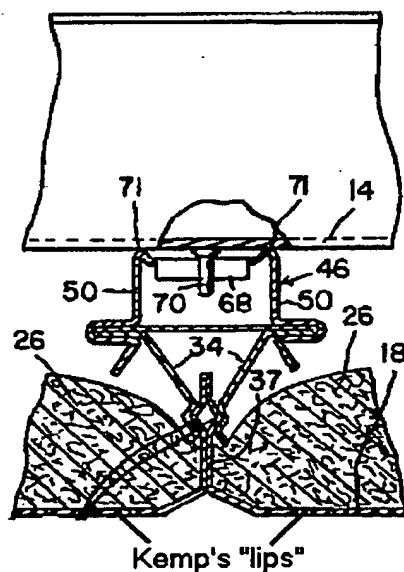
**Status of Claims**

Claims 1-8 and 10-24 were previously pending. Claims 1, 5, 13, 22, and 24 are currently amended. Thus, claims 1-8 and 10-24 are currently pending with claims 1, 5, 13, and 22 being independent.

**Office Action**

In the July 6, 2006, Office Action, the Examiner rejected all claims under 35 U.S.C. § 102(b) in view of Kemp (U.S. Patent No. 2,841,255). In a previous amendment, Applicant argued that Kemp does not disclose or suggest "overlapping" lips or "discrete" locking members. The Examiner countered these arguments by defining "overlapping" to mean "occupying the same area in part" and by defining "discrete" to mean being "separate entities." The proposed amendments herein define overlapping and discrete more specifically to highlight the differences between the claimed invention and Kemp.

**"Overlapping" Lips**



## - PROPOSED DRAFT / NON-BINDING AMENDMENT -

Kemp, FIG. 4, shown above with annotations, illustrates the lips provided by each of Kemp's panels. As the two lips contact each other, the Examiner concludes that Kemp's lips are overlapping. As currently amendment, the lip recited in claims 1, 5, and 22 overlaps a corresponding lip "such that at least a portion of the lip rests on top of at least a portion of the corresponding lip." Kemp does not disclose this feature as its lips are generally parallel and – at most – only abut each other.

In contrast, the lips of the present application overlap each other such that one lip is operable to rest on top of at least a portion of a corresponding lip, as shown in application FIG. 3:

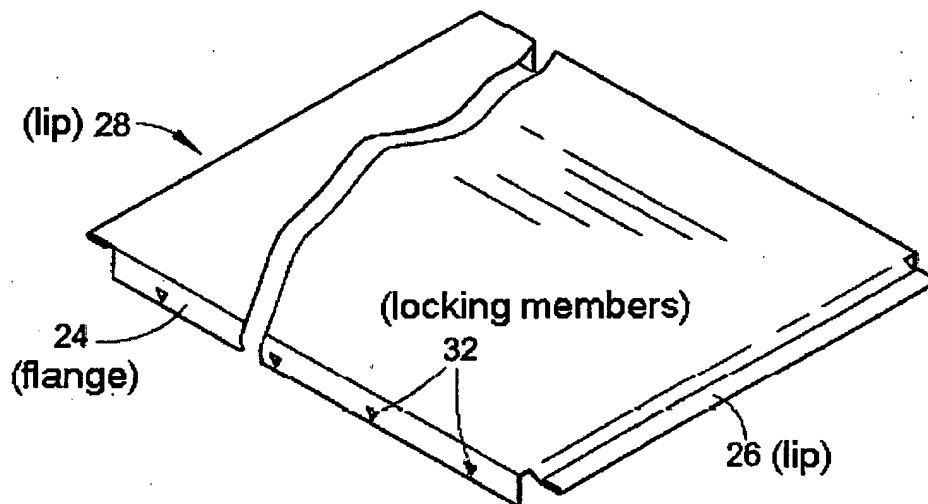
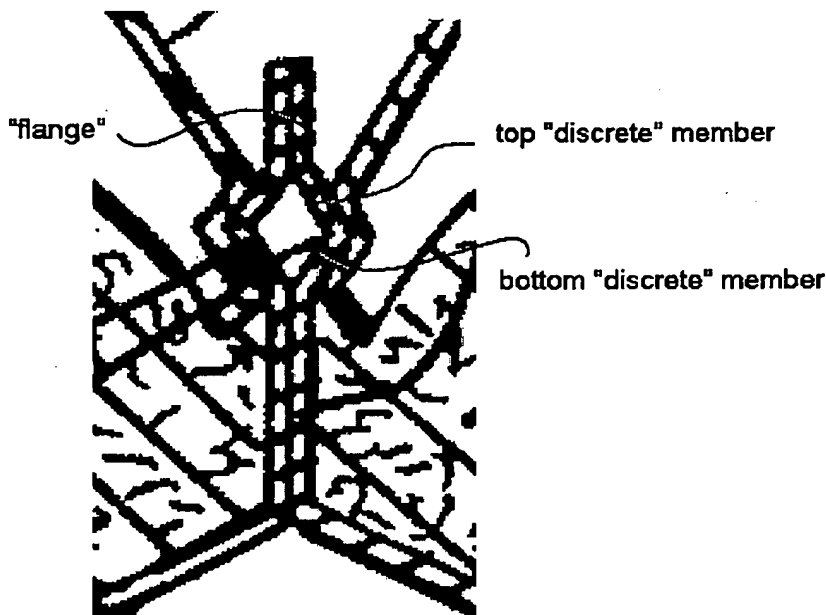


FIG. 3 (with annotations – not to scale)

As shown in FIG. 3, the panel lips 26, 28 are offset from each other such that the adjacent panels may be easily coupled together or interlocked by sliding the forward panel lip 26 of one panel under the rearward lip 28 of an adjacent panel – thereby allowing the lips 26, 28 to overlap such that at least a portion of one of the lips 28 rests on top of at least a portion of the other lip 26. Support for this feature is found in FIG. 3 and page 8, lines 3-11, among other places. Thus, Applicant respectfully submits that claims 1-12 and 22-24 are allowable for at least this reason.

- PROPOSED DRAFT / NON-BINDING AMENDMENT -

***"Discrete" Locking Members***



*Kemp (FIG. 4, magnified with annotations)*

The Examiner contends that the arcuate portion 42 shown above is actually two "discrete" locking members because the arcuate portion 42 comprises a top half and a bottom half and thus the two halves are discrete. Claim 13 now recites "at least two of the locking members positioned so as to not contact each other." Even if the top and bottom half of the arcuate portion 42 are considered to be discrete, they are in continuous contact with each other along the length of Kemp's flange (column 2, lines 47-50 and FIGS. 2 and 4):

In contrast, and as shown in FIG. 3 (reproduced above), embodiments of the present invention include a plurality of locking members where at least two of the locking members are positioned so as not to contact each other. As discussed previously, the discrete zones of attachment provided by the plurality of discrete locking members prevent peeling and unzipping caused by panel distortion. Thus, Applicant respectfully submits that claims 13-24 are allowable for at least this reason.

- PROPOSED DRAFT / NON-BINDING AMENDMENT -

Respectfully submitted,  
HOVEY WILLIAMS LLP

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